

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CRIMINAL MINUTES - GENERAL

Case No. ED CR 97-00022-RT

Date March 25, 2008

Present: The Honorable ROBERT J. TIMLIN, UNITED STATES DISTRICT JUDGE

Interpreter

Patricia Gomez

N/A

N/A

*Deputy Clerk**Court Reporter/Recorder, Tape No.**Assistant U.S. Attorney*U.S.A. v. Defendant(s):Present Cust. BondAttorneys for Defendants:Present App. Ret

JOHNNIE SANDERS (pro se)

X

**(IN CHAMBERS) ORDER DENYING DEFENDANT JOHNNIE SANDERS' MOTION TO MODIFY
Proceedings: SENTENCE PURSUANT TO 18 U.S.C. § 3582(c)(2)**

The Court has read and considered Defendant Johnnie Sanders' ("Sanders") Motion to Modify Sentence Pursuant to 18 U.S.C. § 3582(c)(2). Sanders requests his sentence be reduced based on an amendment to United States Sentencing Guideline § 4A1.2(a)(2) ("Section 4A1.2(a)(2)") regarding the computation of criminal history. He asserts that, under amended Section 4a1.2(a)(2), the Court must consider two of his prior sentences as a single sentence, rather than as separate sentences as the Court previously considered them in determining the sentence for the offense in this case. The amendment upon which Sanders relies was effective November 1, 2007, but the United States Sentencing Commission has not authorized its retroactive application to defendants whose sentences were final prior to that date. *See* Amendment 709, U.S.S.G. Appendix C at 235. Sanders' conviction was final on November 13, 2000, when the Supreme Court denied certiorari, long before this amendment took effect. Therefore, the Court will deny Sanders' request for a sentence reduction because he is not eligible for such.

Based on the foregoing, it is ordered that Sanders' motion for a reduction of sentence based on 18 U.S.C. § 3582(c)(2) is DENIED.

____ 00 : ____ 00

Initials of Deputy
Clerk

PG

cc: USPO